

**UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF VIRGINIA  
Richmond Division**

In re:	)	
	)	
Arlene L. Tyson	)	
	)	Case No. 16-34619-KLP
	)	
Debtor	)	Chapter 7
	)	
Address	)	
3300 Sylvania Road	)	
Chester, VA 23831	)	
	)	
Last four digits of Social Security or Individual	)	
Tax-payer Identification (ITIN) No(s): 4398	)	

**NOTICE OF MOTION AND HEARING**

Americredit Financial Services, Inc. dba GM Financial has filed papers with the court to move the court for relief from the automatic stay.

**Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)**

If you do not want the court to grant the relief sought in the motion, or if you want the court to consider your views on the motion, then on or before fourteen (14) days from the date of service of this motion, you or your attorney must:

- ☐ File with the court, at the address shown below, a written request for a hearing [or a written response pursuant to Local Bankruptcy Rule 9013-1(H)]. If you mail your request for hearing (or response) to the court for filing, you must mail it early enough so the court will **receive** it on or before the date stated above.

Clerk of Court  
United States Bankruptcy Court  
701 East Broad Street, Suite 4000  
Richmond, VA 23219

Sara A. John, VSB #48425  
M. Richard Epps, P.C.  
605 Lynnhaven Parkway  
Virginia Beach, Virginia 23452  
757-498-9600  
sara\_john@eppspc.com  
Counsel for Plaintiff

You must also mail a copy to:

Sara A. John  
M. Richard Epps, P.C.  
605 Lynnhaven Parkway  
Virginia Beach, VA 23452.

- Attend the hearing on the motion scheduled to be held on November 2, 2016 at 9:00 AM at United States Bankruptcy Court, 701 East Broad Street, Room 5100, Richmond, Virginia.

If you or your attorney do not take these steps, the court may decide that you do not oppose the relief sought in the motion and may enter an order granting that relief.

Date: September 28, 2016

Signature, name, address and telephone number  
of person giving notice:

/s/ Sara A. John  
Sara A. John  
M. Richard Epps, P.C.  
605 Lynnhaven Parkway  
Virginia Beach, VA 23452  
757-498-9600  
Virginia State Bar No. 48425  
Counsel for Americredit Financial Services, Inc.  
dba GM Financial

Certificate of Service

I hereby certify that on September 28, 2016 I mailed or electronically served a true copy of the foregoing Notice of Motion to: Arlene L. Tyson, 3300 Sylvania Road, Chester, VA 23831; Peter J. Barrett, Trustee, 1111 E. Main Street, Suite 800, Richmond, VA 23219; and Brian K. Stevens, Counsel to Debtor, 2312 Boulevard, Colonial Heights, VA 23834.

/s/ Sara A. John  
Sara A. John  
M. Richard Epps, P.C.

**UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF VIRGINIA  
Richmond Division**

In re:

Arlene L. Tyson

Case No. 16-34619-KLP

Debtor.

Chapter 7

Americredit Financial Services, Inc. dba GM Financial,

Plaintiff,

v.

Arlene L. Tyson

and

Peter J. Barrett, Trustee,

Defendants.

**MOTION FOR RELIEF FROM STAY**

NOW COMES Americredit Financial Services, Inc. dba GM Financial, by counsel, and states as follows as its Motion for Relief from Stay against Debtor:

1. This Court has jurisdiction over the matters herein alleged pursuant to 28 U.S.C. § 1334. This matter constitutes a core proceeding within the meaning of 28 U.S.C. § 157 and is a contested matter under Rules 4001 and 9014 of the Federal Rules of Bankruptcy Procedure.
2. That on or about September 20, 2016, Debtor filed a petition for relief under 11 U.S.C. Chapter 7 and, as a result, an automatic stay took effect prohibiting, among other things, Plaintiff from taking possession of the collateral securing its loan to Debtor.

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Counsel for Plaintiff

3. Debtor herein owns an interest in the following described motor vehicle: a 2012 Nissan Rogue, VIN JN8AS5MV5CW367564 (the “vehicle”).

4. Plaintiff is a secured creditor of Debtor, being secured by a lien on the vehicle, which said lien has been recorded on the certificate of title to the vehicle.

5. That at the time of the petition in Chapter 7, Debtor was and continues to be in default under the terms of the loan with Plaintiff in that payments due thereunder are delinquent for the January 1, 2016 through September 1, 2016 payments with arrearages totaling \$3,896.40. The payoff on the loan is approximately \$25,231.11. Additionally, Plaintiff has incurred attorney’s fees and costs for the filing of this Motion.

6. That the vehicle has a NADA retail value of \$16,800.00. There is no equity in the vehicle that would inure to the benefit of the bankruptcy estate.

7. That Plaintiff lacks adequate protection.

8. For the above and foregoing reasons, Plaintiff asserts that cause exists sufficient to waive the requirement of Bankruptcy Rule 4001(a)(3), therefore allowing the Order granting the relief sought to be effective upon its entry.

**WHEREFORE**, Plaintiff moves the Court for relief from the automatic stay as to the above-described property pursuant to 11 U.S.C. § 362 so that it may proceed in accordance with state law.

Americredit Financial Services, Inc. dba GM  
Financial

/s/ Sara A. John  
Sara A. John  
M. Richard Epps, P.C.

Certificate of Service

I hereby certify that on September 28, 2016, I mailed or electronically served a true copy of this Motion for Relief from Stay to: Peter J. Barrett, Trustee, 1111 E. Main Street, Suite 800, Richmond, VA 23219; Brian K. Stevens, Counsel to Debtor, 2312 Boulevard, Colonial Heights, VA 23834; and Arlene L. Tyson, 3300 Sylvania Road, Chester, VA 23831.

/s/ Sara A. John  
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M. Richard Epps, P.C.

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Counsel for Plaintiff